

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

C.M.E. O/B/O W.P.B.,

Plaintiff,

V.

SHORELINE SCHOOL DISTRICT,

Defendant.

CASE NO. 2:19-cv-02019-RAJ-BAT

ORDER REGARDING NOTING DATES AND CONSIDERATION OF MOTIONS

This case is an appeal of an administrative decision overriding Plaintiff/Parent's refusal to consent to an initial evaluation of Student for special education services under the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1400. On May 20, 2020, the Court entered a briefing schedule providing for the filing of briefs following the filing of the administrative record by the OSPI. Dkt. 18. The sealed administrative record was filed on July 30, 2020. Dkt. 34. On September 14, 2020, the District filed its responsive brief and, consistent with the briefing schedule, noted it for the Court's consideration on October 9, 2020. Dkt. 39. Plaintiff's reply to the District's responsive brief is due no later than October 5, 2020, which is the Monday before the noting date of October 9, 2020.

After the filing of the administrative record, but before the District filed its responsive brief, Plaintiff filed a motion for summary judgment, which was noted by Plaintiff for September

1 11, 2020 (but changed to September 18, 2020 by the Clerk in accordance with the rules
2 governing the filing of summary judgment motions). Dkt. 38. This is the second motion for
3 summary judgment filed by Plaintiff contrary to the Court's scheduling order; the first motion
4 was denied as premature, without prejudice. Dkt. 37. The District incorporated its responsive
5 brief as its brief in opposition to Plaintiff's second motion for summary judgment. Dkt. 40. On
6 September 17, 2020, Plaintiff filed a reply. Dkt. 41. Thus, the briefing on Plaintiff's motion is
7 complete.

8 Because Plaintiff's motion for summary judgment seeks a reversal of the ALJ's order in
9 the administrative proceedings below, the motion addresses the same ultimate issues as set forth
10 in Defendant's responsive brief. The Court will not engage in piece-meal and duplicative
11 adjudication of the issues in this case but will consider all briefing filed by the parties at the same
12 time. Accordingly, it is **ORDERED**:

13 1) The Clerk is directed to **re-note** Plaintiff's motion for summary judgment (Dkt.
14 38) for consideration on **October 9, 2020**. This motion is fully briefed.

15 2) Plaintiff's reply to the District's response (Dkt. 39) is due by **October 5, 2020**.

16 DATED this 19th day of September, 2020.

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19 BRIAN A. TSUCHIDA
20 Chief United States Magistrate Judge
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